

ESTTA Tracking number: **ESTTA650078**Filing date: **01/14/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Vertex Pharmaceuticals Incorporated		
Entity	Corporation	Citizenship	Massachusetts
Address	50 Northern Avenue Boston, MA 02210 UNITED STATES		

Attorney information	Lisa M. Tittmore Sunstein Kann Murphy & Timbers LLC 125 Summer Street Boston, MA 02110 UNITED STATES ltittmore@sunsteinlaw.com Phone:617-443-9292
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**Applicant Information**

Application No	86076649	Publication date	12/16/2014
Opposition Filing Date	01/14/2015	Opposition Period Ends	01/15/2015
Applicant	BE POWERFUL, LLC 3149 SW 42ND ST., STE #200 HOLLYWOOD, FL 33312 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dietary and nutritional supplements
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1630448	Application Date	11/14/1989
Registration Date	01/01/1991	Foreign Priority Date	NONE
Word Mark	VERTEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1989/05/03 First Use In Commerce: 1989/05/03		


PHARMACEUTICAL RESEARCH			
U.S. Registration No.	2578974	Application Date	07/31/1997
Registration Date	06/11/2002	Foreign Priority Date	NONE
Word Mark	VERTEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 1999/04/26 First Use In Commerce: 1999/04/26 pharmaceutical preparations for the diagnosis, treatment or prevention of [ conditions or diseases of the central nervous system or peripheral nervous system, neurologic disorders, neurodegenerative disorders, ] hepatitis-C, [ cancer, multi-drug resistance,] autoimmune diseases, and HIV infection and AIDS</p> <p>Class 042. First use: First Use: 1998/02/23 First Use In Commerce: 1998/02/23 pharmaceutical research services for others</p>		

U.S. Registration No.	2704913	Application Date	10/09/1998
Registration Date	04/08/2003	Foreign Priority Date	NONE
Word Mark	VERTEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 1996/10/24 First Use In Commerce: 1996/10/24 house mark for pharmaceutical preparations</p>		

U.S. Registration No.	3531356	Application Date	11/19/2001
Registration Date	11/11/2008	Foreign Priority Date	NONE
Word Mark	VERTEX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1999/04/26 First Use In Commerce: 1999/04/26 house mark for pharmaceutical preparations

Attachments	75333578#TMSN.png( bytes ) 76339906#TMSN.png( bytes ) Notice of Opposition - 1MR VORTEX.pdf(45689 bytes ) Exhibit A.pdf(920959 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lisa M. Tittermore/
Name	Lisa M. Tittermore
Date	01/14/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application:

Serial No.: 86/076,649  
Filed: Sept. 27, 2013  
Applicant: Be Powerful, LLC  
Mark: 1MR VORTEX  
For: Dietary and nutritional supplements (Class 5)  
Published: Dec. 16, 2014

VERTEX PHARMACEUTICALS  
INCORPORATED,

Opposer,

v.

BE POWERFUL, LLC

Applicant.

NOTICE OF OPPOSITION

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir or Madam:

Vertex Pharmaceuticals Incorporated (“Opposer”), a corporation organized and existing under the laws of the Commonwealth of Massachusetts and having its principal place of business at 50 Northern Avenue, Boston, MA, 02210, believes that it will be damaged by registration of the mark shown in Application Serial No. 86/076,649 filed on Sept. 27, 2013, and thus hereby opposes said application on the grounds that:

1. Application Serial No. 86/076,649, filed by Brain Pharma, LLC on March 27, 2013 and subsequently assigned to Be Powerful LLC (d/b/a Image Sports, LLC), seeks registration of the mark 1MR VORTEX in connection with “dietary and nutritional supplements” in International Class 5.

2. Application Serial No. 86/076,649 was filed based on an intent to use the mark in commerce.

3. Opposer has used and continues to use the marks VERTEX and VERTEX (plus design) in connection with pharmaceutical research services since at least as early as November 4, 1989, and in connection with pharmaceutical preparations since at least as early as July 13, 1994. Opposer intends to continue using its VERTEX-formative marks with the same and/or related goods and services in the future.

4. In addition to other applications and registrations for its VERTEX marks, Opposer is the owner of the following registrations for VERTEX-formative marks:

VERTEX: Registration No. 1,630,448; registered on January 1, 1991; for pharmaceutical research.

VERTEX (plus design): Registration No. 2,578,974; registered on June 11, 2002; for pharmaceutical preparations for the diagnosis, treatment or prevention of hepatitis-C, autoimmune diseases, and HIV infection and AIDS; pharmaceutical research services for others.

VERTEX: Registration No. 2,704,913; registered on April 8, 2003; for a housemark for pharmaceutical preparations.

VERTEX (plus design): Registration No. 3,531,356; registered on November 11, 2008; for a housemark for pharmaceutical preparations

Records of the registrations are attached to this Notice as Exhibit 1.

5. Opposer's registrations remain in full force and effect, having neither been revoked nor canceled. Furthermore, at least three of registrations owned by Opposer for the VERTEX and VERTEX (plus design) marks have attained incontestable status.

6. Opposer has been using its VERTEX-formative marks since prior to Applicant's filing of the above-identified Application and Applicant's first use of its proposed mark.

7. Through Opposer's significant and long-term promotional and sales activities, Opposer's VERTEX-formative marks identify Opposer as the source of the relevant goods and services to the relevant segment of purchasers, and embody extensive goodwill with high industry recognition.

8. The goods described in the Application are similar and/or related to the goods and services that Opposer sells in connection with its VERTEX-formative marks, and are likely to be sold through the related marketing channels to the same class of purchasers.

9. Applicant's mark 1MR VORTEX mark is confusingly similar to Opposer's VERTEX marks.

10. Applicant's use and registration of the proposed 1MR VORTEX mark will cause purchasers, prospective purchasers, users and others to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's goods emanate from or are sponsored or approved by Opposer or are related to Opposer's goods and services, thereby damaging Opposer.

WHEREFORE, Opposer prays that the present opposition be sustained and registration of the 1MR VORTEX mark sought by Applicant be refused.

Dated: January 14, 2015

VERTEX PHARMACEUTICALS INCORPORATED

By its attorneys,

/Lisa M. Tittlemore/

Lisa M. Tittlemore

Steven A. Abreu

SUNSTEIN KANN MURPHY & TIMBERS LLP

125 Summer Street

Boston, Massachusetts 02110-1618

(617) 443-9292

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on John C. Carey, Attorney of Record, by U.S. mail on the above date, to Carey Rodriguez O'Keefe Milian Gonya, 1395 Brickell Avenue, Suite 700, Miami, FL 33131.

/Lisa M. Tittlemore/

Lisa M. Tittlemore

1618/5109 2238994

# EXHIBIT A



Int. Cl.: 42

Prior U.S. Cl.: 100

**United States Patent and Trademark Office**

Reg. No. 1,630,448

Registered Jan. 1, 1991

**SERVICE MARK  
PRINCIPAL REGISTER**

**VERTEX**

VERTEX PHARMACEUTICALS INCORPORAT-  
ED (MASSACHUSETTS CORPORATION)  
40 ALLSTON STREET  
CAMBRIDGE, MA 021394211

FIRST USE 5-3-1989; IN COMMERCE  
5-3-1989.

SER. NO. 73-839,157, FILED 11-14-1989.

FOR: PHARMACEUTICAL RESEARCH, IN  
CLASS 42 (U.S. CL. 100).

MARY KAY MCDONALD, EXAMINING AT-  
TORNEY

STATUS DOCUMENTS

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Mark: VERTEX

No Image exists for this case.

US Serial Number: 73839157

Application Filing Date: Nov. 14, 1989

US Registration Number: 1630448

Registration Date: Jan. 01, 1991

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Nov. 23, 2010

Publication Date: Oct. 09, 1990

**Mark Information**

Mark Literal Elements: VERTEX

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: PHARMACEUTICAL RESEARCH

International Class(es): 042 - Primary Class

U.S Class(es): 100

Class Status: ACTIVE

Basis: 1(a)

First Use: May 03, 1989

Use in Commerce: May 03, 1989

**Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: VERTEX PHARMACEUTICALS INCORPORATED

Owner Address: 50 Northern Avenue  
Boston, MASSACHUSETTS 02210  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where  
Organized: MASSACHUSETTS**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: LISA M. TITTEMORE

Docket Number: 1618/208

Attorney Primary Email [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)

Attorney Email Authorized: Yes

Address:

## Correspondent

Correspondent LISA M. TITTEMORE  
 Name/Address: SUNSTEIN KANN MURPHY & TIMBERS LLP  
 125 SUMMER STREET  
 BOSTON, MASSACHUSETTS 02110-1618  
 UNITED STATES

Phone: 617-443-9292

Fax: 617-443-0004

Correspondent e-mail: [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)

Correspondent e-mail Yes  
 Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 23, 2010	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75461
Nov. 23, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 18, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Nov. 09, 2010	TEAS SECTION 8 & 9 RECEIVED	
Nov. 24, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 06, 2009	CASE FILE IN TIGRS	
Apr. 21, 2001	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 21, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 02, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 01, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jan. 06, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 01, 1991	REGISTERED-PRINCIPAL REGISTER	
Oct. 09, 1990	PUBLISHED FOR OPPOSITION	
Sep. 08, 1990	NOTICE OF PUBLICATION	
Aug. 08, 1990	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 23, 1990	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 24, 1990	NON-FINAL ACTION MAILED	
Jan. 08, 1990	ASSIGNED TO EXAMINER	66062

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 01, 2011

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 23, 2010

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

Int. Cls.: 5 and 42

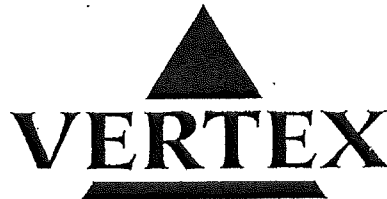
Prior U.S. Cls.: 6, 18, 44, 46, 51, 52, 100, and 101

**United States Patent and Trademark Office**

**Reg. No. 2,578,974**

Registered June 11, 2002

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



VERTEX PHARMACEUTICALS INCORPORATED (MASSACHUSETTS CORPORATION)  
130 WAVERLY STREET  
CAMBRIDGE, MA 021394242

FOR: PHARMACEUTICAL PREPARATIONS FOR THE DIAGNOSIS, TREATMENT OR PREVENTION OF CONDITIONS OR DISEASES OF THE CENTRAL NERVOUS SYSTEM OR PERIPHERAL NERVOUS SYSTEM, NEUROLOGIC DISORDERS, NEURODEGENERATIVE DISORDERS, HEPATITIS-C, CANCER, MULTI-DRUG RESISTANCE, AUTOIMMUNE DISEASES, AND HIV INFECTION AND AIDS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-26-1999; IN COMMERCE 4-26-1999.

FOR: PHARMACEUTICAL RESEARCH SERVICES FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-23-1998; IN COMMERCE 2-23-1998.

OWNER OF U.S. REG. NOS. 1,630,448 AND 1,630,449.

SN 75-333,578, FILED 7-31-1997.

MARC LEIPZIG, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: VERTEX



US Serial Number: 75333578

Application Filing Date: Jul. 31, 1997

US Registration Number: 2578974

Registration Date: Jun. 11, 2002

Register: Principal

Mark Type: Trademark, Service Mark

Status: The registration has been renewed.

Status Date: Jun. 12, 2012

Publication Date: Jun. 23, 1998

Notice of Allowance Date: Sep. 15, 1998

### Mark Information

Mark Literal Elements: VERTEX

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.05.21 - Triangles that are completely or partially shaded  
26.13.21 - Quadrilaterals that are completely or partially shaded

### Related Properties Information

Claimed Ownership of US [1630448](#), [1630449](#)

Registrations:

### Goods and Services

#### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "...\* identify additional (new) wording in the goods/services.

For: pharmaceutical preparations for the diagnosis, treatment or prevention of [ conditions or diseases of the central nervous system, peripheral nervous system, neurologic disorders, neurodegenerative disorders, ] hepatitis-C, [ cancer, multi-drug resistance, ] autoimmune diseases, and HIV infection and AIDS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 26, 1999

Use in Commerce: Apr. 26, 1999

For: pharmaceutical research services for others

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 23, 1998

Use in Commerce: Feb. 23, 1998

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: Vertex Pharmaceuticals Incorporated

Owner Address: 50 Northern Avenue  
Boston, MASSACHUSETTS 02210  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MASSACHUSETTS

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: STEVEN A. ABREU

Docket Number: 1618/210

Attorney Primary Email [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent STEVEN A. ABREU

Name/Address: SUNSTEIN KANN MURPHY & TIMBERS LLP  
125 SUMMER STREET  
BOSTON, MASSACHUSETTS 02110-1618  
UNITED STATES

Phone: 617-443-9292

Fax: 617-443-0004

Correspondent e-mail: [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

**Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 12, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 12, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Jun. 12, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Jun. 11, 2012	TEAS SECTION 8 & 9 RECEIVED	
Nov. 24, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 01, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Jun. 24, 2008	ASSIGNED TO PARALEGAL	67723
Jun. 11, 2008	TEAS SECTION 8 & 15 RECEIVED	
Sep. 18, 2007	CASE FILE IN TIGRS	

Jun. 11, 2002	REGISTERED-PRINCIPAL REGISTER	
Nov. 04, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 04, 2001	ASSIGNED TO EXAMINER	74816
Oct. 24, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 15, 2001	USE AMENDMENT FILED	
Apr. 12, 2001	EXTENSION 5 GRANTED	
Mar. 12, 2001	EXTENSION 5 FILED	
Nov. 24, 2000	EXTENSION 4 GRANTED	
Sep. 11, 2000	EXTENSION 4 FILED	
May 10, 2000	EXTENSION 3 GRANTED	
Mar. 15, 2000	EXTENSION 3 FILED	
Sep. 15, 1999	EXTENSION 2 GRANTED	
Sep. 15, 1999	EXTENSION 2 FILED	
Apr. 02, 1999	EXTENSION 1 GRANTED	
Mar. 11, 1999	EXTENSION 1 FILED	
Sep. 15, 1998	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 23, 1998	PUBLISHED FOR OPPOSITION	
May 22, 1998	NOTICE OF PUBLICATION	
Mar. 30, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 24, 1998	EXAMINER'S AMENDMENT MAILED	
Mar. 10, 1998	ASSIGNED TO EXAMINER	74661

#### Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 11, 2012

#### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 12, 2012

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,704,913

United States Patent and Trademark Office

Registered Apr. 8, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**VERTEX**

VERTEX PHARMACEUTICALS INCORPORATED (MASSACHUSETTS CORPORATION)  
130 WAVERLY STREET  
CAMBRIDGE, MA 021394242

FIRST USE 10-24-1996; IN COMMERCE 10-24-1996.

SN 75-567,963, FILED 10-9-1998.

FOR: HOUSE MARK FOR PHARMACEUTICAL PREPARATIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

BRIDGETT SMITH, EXAMINING ATTORNEY



STATUS DOCUMENTS

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Mark: VERTEX

No Image exists for this case.

US Serial Number: 75567963

Application Filing Date: Oct. 09, 1998

US Registration Number: 2704913

Registration Date: Apr. 08, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 18, 2012

Publication Date: Aug. 31, 1999

Notice of Allowance Date: Nov. 23, 1999

**Mark Information**

Mark Literal Elements: VERTEX

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Related Properties Information**International Registration [1105514](#)  
Number:International Application [A0027050/1105514](#)  
(s) /Registration(s) Based on  
this Property:**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

For: house mark for pharmaceutical preparations

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 24, 1996

Use in Commerce: Oct. 24, 1996

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Vertex Pharmaceuticals Incorporated

Owner Address: 50 Northern Avenue  
Boston, MASSACHUSETTS 02210

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where  
Organized: MASSACHUSETTS**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: STEVEN A. ABREU

Docket Number: 1618/212

Attorney Primary Email: [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent: STEVEN A. ABREU

Name/Address: SUNSTEIN KANN MURPHY & TIMBERS LLP  
125 SUMMER STREET  
BOSTON, MASSACHUSETTS 02110-1618  
UNITED STATES

Phone: 617-443-9292

Fax: 617-443-0004

Correspondent e-mail: [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)Correspondent e-mail  
Authorized: Yes

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Jun. 03, 2014	COUNTERCLAIM OPP. NO. 999999	215035
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 18, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 18, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
May 18, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
May 17, 2012	TEAS SECTION 8 & 9 RECEIVED	
Nov. 24, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 05, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Feb. 25, 2009	ASSIGNED TO PARALEGAL	76533
Feb. 23, 2009	TEAS SECTION 8 & 15 RECEIVED	
May 02, 2008	CASE FILE IN TIGRS	
Apr. 08, 2003	REGISTERED-PRINCIPAL REGISTER	
Feb. 10, 2003	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 06, 2003	ASSIGNED TO EXAMINER	76582
Feb. 04, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 12, 2002	USE AMENDMENT FILED	
Nov. 14, 2002	PAPER RECEIVED	
Apr. 25, 2002	EXTENSION 5 GRANTED	
Apr. 03, 2002	EXTENSION 5 FILED	
Apr. 03, 2002	PAPER RECEIVED	
Dec. 07, 2001	EXTENSION 4 GRANTED	
Nov. 19, 2001	EXTENSION 4 FILED	
Jun. 04, 2001	EXTENSION 3 GRANTED	
May 22, 2001	EXTENSION 3 FILED	
Apr. 25, 2001	EXTENSION 2 GRANTED	
Nov. 22, 2000	EXTENSION 2 FILED	
Jun. 19, 2000	EXTENSION 1 GRANTED	
Apr. 28, 2000	EXTENSION 1 FILED	
Nov. 23, 1999	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 31, 1999	PUBLISHED FOR OPPOSITION	

Jul. 30, 1999	NOTICE OF PUBLICATION
May 19, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER
May 06, 1999	ASSIGNED TO EXAMINER

76519

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 08, 2013

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: May 18, 2012

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 3,531,356

United States Patent and Trademark Office

Registered Nov. 11, 2008

TRADEMARK  
PRINCIPAL REGISTER



VERTEX PHARMACEUTICALS INCORPORATED (MASSACHUSETTS CORPORATION)  
130 WAVERLY STREET  
CAMBRIDGE, MA 021394242

OWNER OF U.S. REG. NOS. 1,630,448, 1,630,449,  
AND 2,201,590.

FOR: HOUSE MARK FOR PHARMACEUTICAL  
PREPARATIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46,  
51 AND 52).

SN 76-339,906, FILED 11-19-2001.

FIRST USE 4-26-1999; IN COMMERCE 4-26-1999.

KATHRYN COWARD, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: VERTEX



US Serial Number: 76339906

Application Filing Date: Nov. 19, 2001

US Registration Number: 3531356

Registration Date: Nov. 11, 2008

Register: Principal

Mark Type: Trademark

Status: A Section 8 declaration has been accepted.

Status Date: Nov. 24, 2014

Publication Date: Jun. 14, 2005

Notice of Allowance Date: Sep. 06, 2005

**Mark Information**

Mark Literal Elements: VERTEX

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.05.21 - Triangles that are completely or partially shaded

26.11.21 - Rectangles that are completely or partially shaded

**Related Properties Information**International Registration [1105515](#)

Number:

International Application [A0027052/1105515](#)(s) /Registration(s) Based on  
this Property:Claimed Ownership of US [1630448](#), [1630449](#), [2201590](#)

Registrations:

**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: house mark for pharmaceutical preparations

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 26, 1999

Use in Commerce: Apr. 26, 1999

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: Vertex Pharmaceuticals Incorporated  
 Owner Address: 50 Northern Avenue  
 Boston, MASSACHUSETTS 02210  
 UNITED STATES  
 Legal Entity Type: CORPORATION  
 State or Country Where Organized: MASSACHUSETTS

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Steven A. Abreu  
 Attorney Primary Email: [trademarks@sunsteinlaw.com](mailto:trademarks@sunsteinlaw.com)  
 Address:  
 Docket Number: 1618/227  
 Attorney Email Authorized: Yes

**Correspondent**

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 Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Nov. 24, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Nov. 24, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED	76873
Nov. 24, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Nov. 07, 2014	TEAS SECTION 8 RECEIVED	
Jun. 03, 2014	COUNTERCLAIM OPP. NO. 999999	215035
Jan. 14, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 14, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 24, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 11, 2008	REGISTERED-PRINCIPAL REGISTER	
Oct. 09, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
Oct. 07, 2008	ASSIGNED TO LIE	70138
Sep. 26, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 10, 2008	STATEMENT OF USE PROCESSING COMPLETE	70565
Sep. 04, 2008	USE AMENDMENT FILED	70565
Sep. 10, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Sep. 04, 2008	TEAS STATEMENT OF USE RECEIVED	
Mar. 19, 2008	EXTENSION 5 GRANTED	64657
Feb. 27, 2008	EXTENSION 5 FILED	64657
Feb. 27, 2008	TEAS EXTENSION RECEIVED	
Aug. 31, 2007	EXTENSION 4 GRANTED	98765
Aug. 31, 2007	EXTENSION 4 FILED	98765
Aug. 31, 2007	TEAS EXTENSION RECEIVED	
Jun. 05, 2007	ASSIGNED TO EXAMINER	77868
May 23, 2007	EXTENSION 3 GRANTED	71034
Feb. 27, 2007	EXTENSION 3 FILED	71034
Feb. 27, 2007	TEAS EXTENSION RECEIVED	
Oct. 19, 2006	EXTENSION 2 GRANTED	71280

Aug. 31, 2006	EXTENSION 2 FILED	71280
Sep. 05, 2006	PAPER RECEIVED	
Mar. 28, 2006	EXTENSION 1 GRANTED	64657
Mar. 06, 2006	EXTENSION 1 FILED	64657
Mar. 08, 2006	PAPER RECEIVED	
Sep. 06, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 14, 2005	PUBLISHED FOR OPPOSITION	
May 25, 2005	NOTICE OF PUBLICATION	
Feb. 23, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	76532
Feb. 15, 2005	ASSIGNED TO LIE	76532
Feb. 07, 2005	ASSIGNED TO LIE	70644
Feb. 03, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 2005	AMENDMENT FROM APPLICANT ENTERED	77075
Jan. 07, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	77075
Jan. 07, 2005	PAPER RECEIVED	
Dec. 13, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76529
Oct. 27, 2003	CASE FILE IN TICRS	
Feb. 06, 2002	LETTER OF SUSPENSION MAILED	
Feb. 01, 2002	ASSIGNED TO EXAMINER	74816
Feb. 01, 2002	ASSIGNED TO EXAMINER	78485

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: TMO LAW OFFICE 115

Date in Location: Nov. 24, 2014

**Assignment Abstract Of Title Information - Click to Load****Proceedings - Click to Load**

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